

REMARKS

Claims 1-15 are pending, of which Claims 1, 4, 6, 9, 11, and 14 have been amended. Applicant has carefully considered the application in view of the Examiner's action and, in light of the foregoing amendments and the following remarks, respectfully requests reconsideration and full allowance of all pending claims.

Claims 1-15 stand rejected under 35 U.S.C. § 112, *first* paragraph, as failing to comply with the enablement requirement. In response, Applicants have amended independent Claims 1, 6, and 11 to clarify what is meant by "entry areas for elements needed to properly adhere to a risk management scheme" thereby rendering the claim enabling for standardizing the reporting of issues, assumptions, and risks for a risk review board. This amendment is supported, by way of example, by Figure 9A and related paragraphs [0122] – [0144] of the specification as originally filed, thereby adding no new matter to the application. In light of the foregoing, Applicants respectfully request the withdrawal of the rejection of Claims 1-15 under 35 U.S.C. § 112, *first* paragraph.

Claims 4, 9, and 14 stand rejected under 35 U.S.C. § 112, *second* paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claims 4, 9, and 14 have been amended to clarify what an ABCD risk management scheme is, as supported in the original specification at paragraphs [0131] – [0144], thereby adding no new matter to the application. In light of the foregoing, Applicants respectfully request the withdrawal of the rejection of Claims 4, 9, and 14 under 35 U.S.C. § 112, *second* paragraph.

Claims 1-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2003/0125965 to Falso et al. (hereinafter "*Falso*") in view U.S. Patent No. 5,774,887 to Wolff et al. (hereinafter "*Wolff*"). In response, Applicant has amended independent Claims 1, 6, and 9 such that they now more clearly distinguish, and are patentable over the cited references.

Specifically, independent Claims 1, 6, and 9 have been amended to more particularly point out and distinctly claim one of the distinguishing characteristics of the present invention, namely, that entry areas for elements needed to properly adhere to a risk management scheme

include at least one of a name of a risk owner, an explanation of how the risk came about, a driver of the risk, a milestone of the risk, the last possible start date for action to take place to avoid the impact of the risk, the criticality of the risk, the controllability of the risk, what actions have been taken to-date with respect to the risk, one or more actions that have been identified to prevent the risk from occurring, and the cost of any action.

Falso has been cited as fully disclosing Applicant's invention, except merely for the teaching "wherein the user is hindered from exiting the form prior to supplying all information necessary for adherence to the risk management scheme" for which *Wolff* was cited. *Wolff*, however, teaches hindering a user from exiting a task form (see, *e.g.*, Abstract; col. 8, lines 12-35), not a legal or contractual risk form as taught by *Falso*. It is submitted that a task form and a legal/contractual risk form are quite different forms with significantly different purposes, and that one cannot readily be modified to function as the other, and therefore that it is difficult to conceive of how *Wolff* could be combined with *Falso*. If the task forms of *Wolff* were used in *Falso*, the intended functionality of *Falso* to manage contractual risk would be destroyed.

If, for the sake of argument, *Wolff* could be combined with *Falso*, then attention is directed to Fig. 2 of *Falso* which was cited in the Office action for teaching "wherein the form provides the user with entry areas for elements needed to properly adhere to a risk management scheme". Upon closer examination of Fig. 2, however, it is observed that *Falso* includes elements related to legal or contractual risk, but not, as now recited in Applicant's independent Claims 1, 6, and 11, entry areas for elements needed to properly adhere to a risk management scheme, including a name of a risk owner, an explanation of how the risk came about, a driver of the risk, a milestone of the risk, the last possible start date for action to take place to avoid the impact of the risk, the criticality of the risk, the controllability of the risk, what actions have been taken to-date with respect to the risk, one or more actions that have been identified to prevent the risk from occurring, and the cost of any action.

In view of the foregoing, it is apparent that none of the cited references, either singularly or in any combination, teach, suggest, or render obvious the unique combination now recited in independent Claims 1, 6, and 11. It is therefore respectfully submitted that Claims 1, 6, and 11 clearly and precisely distinguish over the cited combination of references in a patentable sense,

and are therefore allowable over those references and the remaining references of record. Accordingly, it is respectfully requested that the rejection of Claims 1, 6, and 11 under 35 U.S.C. § 103(a) as being unpatentable over *Falso* in view of *Wolff* be withdrawn.

Claims 2-5, 7-10, and 12-15 depend from and further limit independent Claims 1, 6, and 11 in a patentable sense, and, for this reason and the reasons set forth above, are also deemed to be in condition for allowance. Accordingly, it is respectfully requested that the rejections of dependent Claims 2-5, 7-10, and 12-15 be withdrawn, as well.

Should the Examiner have any questions or desire clarification of any sort, or deem that any further amendment is desirable to place this application in condition for allowance, the Examiner is invited to telephone the undersigned at the number listed below.

Respectfully submitted,

/ Robert H. Kelly /

Robert H. Kelly
Registration No. 33,922

KELLY & KRAUSE, L.P.
6600 LBJ Freeway, Suite 275
Dallas, Texas 75240
Telephone: (214) 446-6684
Fax: (214) 446-6692
robert.kelly@kelly-krause.com